

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SEAN LEGURNINC,

Plaintiff,

- against -

SALVATORE CICCONE,

Defendant.
-----X

CV-09-1436 (ADS)

DEFENDANT
SALVATORE CICCONE
PROPOSED VOIR
DIRE QUESTIONS

The Defendant Salvatore Ciccone, by and through his attorney, John A. Servider, propose the following questions to the prospective jurors in the above-captioned matter:

BACKGROUND

1. Please state your name:

2. Please state the city in which you live:
 - A. How long have you lived there?
 - B. Where else have you lived in the past 5 years?

3. What is your current occupation?
 - A. How long have you been so employed?
 - B. What are your previous occupations, if any?

4. Please give us the following information about your family?
 - A. Are you married?

1. If so, what is your spouse's current occupation and by whom is the spouse employed?

B. Do you have any children?

If so,

1. How many?
2. What ages?
3. What are their occupations, if any?

PARTIES AND ATTORNEYS

1. The parties of the case are as follows:

- A. Salvatore Ciccone
- B. Sean Legurnic

Is there any member of the jury familiar with any of the parties in this case or employed by any of the parties in this case?

2. The attorneys in the case are as follows:

- A. Arnab Bhukta, Esq.;
- B. John Servider, Esq.; and

3. Is any member of the jury familiar with any of these individuals and/or their respective law firms?

4. The company Agape World, and its principal Nicholas Cosmo are pertinent parties that will be introduced at trial.

5. The following fact witnesses may testify in this case:

- A. Sean Legurnic
- B. Salvatore Ciccone
- C. Jason Hellman

Is any member of the jury panel familiar with any of these witnesses?

PREVIOUS LAWSUITS/JUROR SERVICE

1. Have you, any member of your immediate family or close personal friends been involved in a lawsuit or claim against another person, as either the party bringing the claim or defending the claim? The claims would include any damages concerning investments. If so would that experience affect your ability to be fair and impartial in this case?
2. Have you, any member of your immediate family or close personal friends ever been employed by or invested in Agape World? If so, would that experience affect your ability to be fair and impartial in this case?
3. Have you, any member of your immediate family or close personal friends ever worked in the legal profession? If so, would that experience affect your ability to be fair and impartial in this case.
4. Have you ever served on a jury before. If so, would that experience affect your ability to be fair and impartial in this case?
5. Do you have preconceived notions, prejudices or feelings about people who bring lawsuits?
6. Do you feel that you have any difficulty in following the court's instructions on the law?
7. Have you had any personal experiences that you believe would prevent you from rendering a fair and impartial verdict in this case?
8. Do you have any physical problems or personal commitment problems that would prevent you from sitting on this jury for several days?
9. Do you believe that you would have any problem for any reason rendering a fair and impartial verdict for any reason?
10. Do you have any bias at all towards the plaintiff for bringing the lawsuit against the defendant or any bias towards the defendants for defending the claim?
11. During the past five years, have any of you served on a jury or been excluded from a jury?

12. Was it a civil or criminal case?
13. If civil, what, in general, was the case about?
14. Without revealing the outcome, or who won, please reveal whether or not the jury reached a verdict?
16. Will you be able to put aside your prior jury experience as you sit in this case, to ignore completely anything you learned about the law or evidence in those cases, and decide this case solely on the basis of the evidence admitted during this trial and on the law as instructed?

PREVIOUS WITNESS EXPERIENCE

1. Have you ever been a witness in state or federal court in any lawsuit, civil or criminal?
2. Did you testify for the plaintiff or the defendant?
3. What was the nature of the case?
4. Is there anything about that experience that would cause you to question your ability to decide this case fairly and impartially, solely on the basis of the evidence I admit during this trial and the law as I instruct you in it?

CORPORATIONS/PARTIES

1. Do any of you have any belief or feeling for or against corporations that might prevent you from being a completely fair and impartial juror in the case?
2. Do any of you think you would judge the conduct of a corporation differently than you would judge the conduct of an individual?
3. Do any of you think that a person who testifies on behalf of a corporation would be more or less truthful than an individual testifying on his or her own behalf?

4. Have any of you, or to your knowledge, members of your family or close friends ever owned, worked for or been otherwise involved in the operation of a small-business?
5. Have you ever owned your own company? Please tell me about that company.

CLOSING QUESTIONS

1. Do you have reluctance about serving as a juror?
2. Do you feel any reluctance in joining the discussion with the members of the jury during deliberations?
3. Would you feel offended if other members of the jury disagreed with their view of the evidence?
4. It is your duty as a juror to listen to the opinions and points of view of the other members of the jury. Would you be unwilling to listen to a fellow juror who disagreed with you?
5. It is also your duty as a juror to express your opinion or point of view regarding the evidence to the other members of the jury.
6. Would you be unwilling to speak up and try to persuade other members of the jury who disagreed with your view of the evidence.
7. Would you be unwilling to change an opinion if, after listening to the arguments of the other members of the jury, you were persuaded that your opinion was wrong?

8. In a trial the plaintiffs put on their evidence first, and then the defendants have the opportunity to put on their evidence. Do you think you might have difficulty keeping an open mind regarding this case until you have heard all the evidence and have been instructed on the law?
9. If you are selected to sit as a juror, will you be able and willing to render a verdict solely on the evidence presented at the trial and the law as instructed and not based upon your emotions, or any preconceived notions about the facts or the law in this case? Is there anyone who thinks he or she cannot do that?
10. Do you understand that you must follow instructions regarding the law whether you agree with the law or not? If that idea troubles you, please let me know.
11. As a juror, you may have to resolve conflicts in the testimony of witnesses. This means you may have to decide whether to believe or reject all or part of a witness' testimony or who is telling the truth. Is there any juror who feels this is not something he or she can do?
12. Can you think of any experience in your life or any other matter which occurs to you now that you think you should bring my attention because it may have some bearing on your ability to be fair as a juror in this case?
13. Is there anything which has happened here this morning which you think may affect your ability to be fair and impartial to the parties that you have not told us about up to now?
14. Do you have any bias or prejudice, for or against any of the attorneys in this case?
15. Is there any reason at all why you cannot be absolutely fair to the plaintiff in this case?
16. Is there any reason at all why you cannot be absolutely fair to the defendants in this case?

17. Having heard all of the questions put to you, do you know of any reason why you could not sit on this jury and render a fair verdict based on the evidence presented and the legal instructions given to you?

Dated: Middle Village, New York
March 24, 2014

JOHN A. SERVIDER, ESQ.
Attorney for Defendant
Salvatore Ciccone

/s/

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